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Attorneys for Defendant MedQuist  
Inc., MedQuist Transcriptions, Ltd.,  
Michael Clark, and Ronald Scarpone

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY (CAMDEN)**

SOUTH BROWARD HOSPITAL  
DISTRICT d/b/a MEMORIAL  
REGIONAL HOSPITAL, et al.,

Plaintiffs,

v.

MEDQUIST INC., et al.

Defendants.

Civil Action No. 05-CV-2206

Honorable Jerome B. Simandle, U.S.D.J.

**CIVIL ACTION**

**NOTICE OF MOTION TO DISMISS IN  
FAVOR OF ARBITRATION OR, IN THE  
ALTERNATIVE, TO STAY PENDING  
ARBITRATION**

Hearing date: October 7, 2005

**TO:** Roger B. Kaplan, Esq.  
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Attorneys for Defendant, Brian Kearns

**COUNSEL:**

**PLEASE TAKE NOTICE** that on Friday, October 7, 2005 at 9:00 a.m. in the forenoon or as soon thereafter as counsel may be heard, Winston & Strawn LLP and Greenbaum, Rowe, Smith & Davis LLP, attorneys for defendants MedQuist Inc., MedQuist Transcriptions, Ltd., Michael Clark, and Ronald Scarpone (collectively "MedQuist"), shall move before the United States District Court for the District of New Jersey, pursuant to Federal Rule of Civil Procedure 12(b)(6) and the Federal Arbitration Act, 9 U.S.C. § 3, for an Order:

1. Dismissing this action in favor of arbitration according to the arbitration provision contained in the exemplar contract, Exhibit A, attached to Plaintiffs' Second Amended Complaint; and

2. In the alternative, should the Court for any reason conclude that dismissal is unavailable, staying the action pending arbitration; and

**PLEASE TAKE FURTHER NOTICE** that oral argument is requested.

Respectfully submitted,

**WINSTON & STRAWN, LLP**

and

**GREENBAUM, ROWE, SMITH & DAVIS, LLC**

Attorneys for Defendant MedQuist Inc.,  
MedQuist Transcriptions, Ltd., Michael  
Clark, and Ronald Scarpone

By: /s/ Marc J. Gross  
MARC J. GROSS (MG2648)

Dated: August 31, 2005